

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Alonzo Fells,)
)
Plaintiff,)
)
v.) 06 C 2509
)
Public Storage PS Illinois)
Trust,)
)
Defendant.)

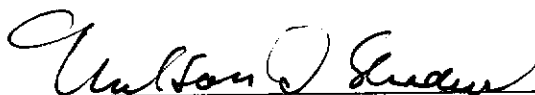
MEMORANDUM ORDER

Alonzo Fells ("Fells") has just submitted a self-prepared Complaint against Public Storage PS Illinois Trust ("Trust"), accompanying his Complaint with two forms provided by this District Court's Clerk's Office and completed by Fells in handwritten form: an In Forma Pauperis Application ("Application") and a Motion for Appointment of Counsel ("Motion"). This memorandum order is issued sua sponte because (as nonlawyer Fells is understandably unaware) federal subject matter jurisdiction over his lawsuit is lacking.

Fells has labeled his Complaint "Unreasonable Search and Seizure," and the claim that he asserts is that Trust allegedly violated his Fourth Amendment rights. But the Trust is a private party, not a part of state government, so that the Fourth Amendment (or more accurately, that Amendment as incorporated into the Fourteenth Amendment) simply does not apply to its conduct.

Thus even though Fells would qualify for in forma pauperis

status in purely financial terms, the fact that his Complaint is frivolous in the legal sense requires the dismissal of both the Complaint and this action for lack of federal subject matter jurisdiction, and this Court so orders.¹ That being so, the Application is denied, and the Motion is relatedly denied on grounds of mootness.



Milton I. Shadur
Senior United States District Judge

May 5, 2006

¹This dismissal is without prejudice to Fells' filing of his claim against Trust in a state court of competent jurisdiction (although no opinion is expressed here as to the sustainability or nonsustainability of the claim itself).